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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/476,385	12/30/1999	HENRY T. TSUEI	06042-0170	7756

7590 11/24/2003

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EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 11/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/476385

Applicant(s)

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Examiner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/25/03
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46-190 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46-190 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Response to Request for Continued Examination(RCE)

1. This action is issued in response to applicant's Request for Continued Examination (RCE)(Paper #16) and Amendment C(Paper #17) both filed 9/25/03.
2. All original claims 1-45 were canceled. New claims 46-190 were added.
3. New claims 46-190 are pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. New claims 46-190 are rejected under 35 USC 103(a) as unpatentable over Payne(US Pat. No: 6,449,599) in view of Gordon(US Pat. No: 6,289,323) in view of Green(US Pat. No: 5,664,110) and further in view of Blinn(US Pat. No: 5,897,622).
6. As per claims 46-190 Payne teaches a computer-implementable method for providing a consumer-to consumer payment service(Abstract)(Fig 1)(Figs 2A-I)(Figs 3A/B)(Fig 4A/B) and receiving from a first computer a registration of a payment instrument by a buyer(Fig 1/12) and receiving from a second computer a registration of a disbursement instrument by a seller(Fig 1/14) and receiving from the first remote computer a command from the buyer to pay the seller

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an amount of money in exchange for an item(Fig 1/16). Payne teaches a merchant computer(Fig 1/14)a payment computer(Fig 1/16) and a network(Fig 1/10) together with a settlement database(Fig 1/22) and a shopping cart database(Fig 1/21).Payne also teaches the payment computer utilizing a cryptographic key(Fig 2A/36) for authentication as well as sending a confirmation to the buyer(Fig 2C/44) as well as an open market payment(Fig 9). Payne teaches shipping products to the buyer computer(Fig 1/12) authorized to purchase the product(col 2 lines 14-23).Payne teaches graphical user interfaces which comprise Web pages for communiation(Fig 5)(Fig 6)(Fig 7)(Fig 10)(Fig 12-14) as well as the use of an electronic invoice(Fig 9)(Fig 11).In addition to that taught by Payne, Gordon further teaches settling transactions(Fig 5/S7) as well as transferring funds to the seller(Fig 4/220).Gordon also teaches a conducting a transaction through the postyal authority on delivery through the postal authority(Abstract)(Fig 1)(Fig 8/606/612/614) and where the paying agent in is in common with the buyer and seller(Fig 7) and owned by an entity operating the payment service(Fig 9/702).Gordon also teaches an endorsed valuye message(Fig 1/17) and issuing a value message(Fig 1/14) and a payment value(Fig 2/42) a transaction ID(Fig 2/58) and a time(Fig 2/56) and a payee ID(Fig 2/46). Gordon further teaches the postal authority validating a request(Fig 3/102) and adjusting the funding account value(Fig 3/104) and the payor adjusting the descending register(Fig 3/108) as well as vailidating rthe amount to be paid(Fig 4/214/216) and issuing a payment certificate(Fig 4/222) and endorsing the payment certificate(Fig 5/312) and issuing the endorsed payment certificate(Fig 5/314). Gordon also terwaches authenticating the payor(Fig 6/412) and having the payment certificate current(Fig

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6/414) and processing the payment certificate(Fig 6/416).Gordon also teaches that the postal authority verifies that the certificates within value message(Fig 7/3) and notification and delivery of the package(Fig 7/6/7/8) as well as transmitting a e-mail message to the recipient for a delivery time from the merchant(Fig 8/606) and a waiting time(Fig 8/616) and the postal authority debiting the customer's account(Fig 9/4b).It would have been obvious to one skilled in the art at the time of the invention to combine Payne in view of Gordon to teach part of the disclosure. The motivation to combine is to teach a method to consummate a financial transaction system with verified funds using secured value messages as enunciated by Gordon(col 2 lines 1-4). In addition to that taught by Gordon, Green further teaches a method for using a digital electrical computer apparatus located at an order center for shipping a product from a remotely located distribution center(Figure 1/10-14)including the steps of producing output electrical signals representing a packing list for an order of a product by causing an order center apparatus located at an order center to change input digital electrical signals into the output digital electrical signals(Figure 1/10)(col 2 lines 51-55) , the order center apparatus including a digital electrical computer having a processor(Figure 1/12)(col 2 lines 55-57), the processor electrically connected to a memory device for storing and retrieving machine-readable signals in the memory device,(Figure 1/14)(col 2 lines 57-62) to an input device for receiving input data and converting the input data into the input electrical signals, and to an output device for receiving the output electrical signals, and wherein the processor is controlled by a computer program to implement the step of producing and assigning shipping information signals to the

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order with a digital electrical computer shipping apparatus, linking, by digital communication(col 3 lines 27-29)(Figure 10/130), the signals representing the packing list with the shipping information signals; transmitting the signals representing the packing list to, and receiving the signals representing the packing list at a printer device at a distribution center located remotely from the order center(col 13 lines 9-19)(Fig 10/134) printing the packing list at the printer device at the distribution center and shipping the product specified by the packing list, in accordance with the shipping information signals, from the distribution center.Finally, in addition to that taught by Green, Blinn further teaches providing order tracking and delivery information over the Internet for waybill shipping in accordance with the order(Fig 1/104/100)(Fig 2/124/122/123/125/129 /130/131/132) (Fig 8)(Fig 10/129/125/122)(Fig 14)(col 3 line 46-col 4 line 26)(col 8 lines 1-7)(col 12 lines 8-56)(Fig 12)(col 17 line 18-41) as well as the user placing a final order through the order processing module(Fig 2/129). Blinn further teaches a product table(Fig 6/220) and a list price and a current price and a normal price(Fig 11/380).It would have been obvious to one skilled in the art atthe time of the invention to combine Payne in view of Gordon and further in view of Green to teach part of the above. The motivation is to teach an ordering system for Internet purchases as enunciated by Green(col 1 lines 38-47). It also would have been obvious to one skilled in the art at the time of the invention to combine Payne in view of Gordon in view of Green and further in view of Blinn to teach the above. The motivation to combine is to provide an on line ordering, tracking and delivery system for customer orders on the Internet for customers and merchants as enunciated by Blinn(col 3 lines 1-18).

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Response to Arguments

7. Applicant's arguments with respect to the original claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. **THIS ACTION IS MADE NON-FINAL.**

9. Any questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are unsuccessful, the primary examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

GRA

November 14, 2003

GEORGE R. AKERS, P.E.
PRIMARY EXAMINER